

Senate File 510

H-1377

1 Amend the amendment, H-1365, to Senate File 510,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 31, after line 31, by inserting:

5 <DIVISION

6 ANTIHARASSMENT AND ANTIBULLYING

7 Sec. \_\_\_\_\_. Section 256.9, Code 2015, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 66. Subject to an appropriation  
10 of funds by the general assembly, ensure each school  
11 district has access to adequate training on conducting  
12 investigations of complaints of incidents of harassment  
13 or bullying pursuant to section 280.28 by offering such  
14 training on an annual basis to at least one employee  
15 per district.

16 Sec. \_\_\_\_\_. NEW SECTION. 256.34 Bullying and  
17 violence prevention student mentoring pilot program.

18 1. Subject to an appropriation of funds by the  
19 general assembly, the department shall establish a  
20 student mentoring pilot program to explore how student  
21 leadership can help prevent bullying and violence in  
22 schools. The program shall promote best practices for  
23 bullying and violence prevention for middle and high  
24 school students.

25 2. The department shall establish the program in at  
26 least two middle schools and two high schools in the  
27 state. The selected schools shall include both urban  
28 and rural schools.

29 3. The department shall establish criteria for the  
30 selection of participating schools and evaluation of  
31 the program.

32 Sec. \_\_\_\_\_. Section 280.28, subsection 2, paragraphs  
33 a and c, Code 2015, are amended to read as follows:

34 a. "Electronic" means any communication involving  
35 the transmission of information by wire, radio,  
36 optical cable, electromagnetic, or other similar  
37 means. "Electronic" includes but is not limited to  
38 communication via electronic mail, internet-based  
39 communications including social networking sites, pager  
40 service, cell phones, and electronic text messaging,  
41 or any other electronic communication site, device, or  
42 means.

43 c. "Trait or characteristic of the student"  
44 includes but is not limited to age, color, creed,  
45 national origin, race, religion, marital status,  
46 sex, sexual orientation, gender identity, physical  
47 attributes, physical or mental ability or disability,  
48 ancestry, political party preference, political belief,  
49 socioeconomic status, ~~or~~ familial status, behavior,  
50 or any other distinguishing characteristic. This

1 paragraph shall be construed broadly to achieve the  
2 purposes of this section.

3 Sec. \_\_\_\_\_. Section 280.28, subsection 3, Code 2015,  
4 is amended by adding the following new paragraph:  
5 NEW PARAGRAPH. h. A procedure for the notification  
6 as soon as practicable of the parents or guardians  
7 of the alleged targeted students and perpetrators  
8 in a reported incident of harassment or bullying.  
9 The procedure shall include an exception to the  
10 notification requirement if a school official or a  
11 student whose parent or guardian would otherwise be  
12 notified reasonably believes notification would subject  
13 the student to rejection, abuse, or neglect.

14 Sec. \_\_\_\_\_. Section 280.28, Code 2015, is amended by  
15 adding the following new subsections:

16 NEW SUBSECTION. 9. Authority off school grounds.

17 a. A school official may investigate and impose  
18 school discipline in a founded case of harassment  
19 or bullying that occurs outside of school, off of  
20 school property, or away from a school function or  
21 school-sponsored activity if all of the following  
22 apply:

23 (1) An incident of harassment or bullying is  
24 reported pursuant to the school's policy adopted under  
25 subsection 3, paragraph "e".

26 (2) The alleged incident of harassment or bullying  
27 has an effect on a student on school grounds that  
28 creates an objectively hostile school environment  
29 that meets one or more of the conditions set out under  
30 subsection 2, paragraph "b".

31 b. A school official's investigation and response  
32 to an alleged incident of bullying or harassment that  
33 occurs outside of school, off of school property,  
34 or away from a school function or school-sponsored  
35 activity may include referring the matter to  
36 appropriate community-based agencies including but not  
37 limited to social services agencies, law enforcement  
38 agencies, and nonprofit organizations.

39 NEW SUBSECTION. 10. Rule of construction. This  
40 section shall not be construed to diminish a school  
41 administrator's discretion to impose discipline or  
42 take other action in the case of an unfounded incident  
43 of harassment or bullying if a student's behavior  
44 otherwise constitutes student misconduct based on other  
45 grounds.

46 Sec. \_\_\_\_\_. Section 282.18, subsection 11, Code 2015,  
47 is amended to read as follows:

48 11. A pupil who participates in open enrollment  
49 for purposes of attending a grade in grades nine  
50 through twelve in a school district other than the

1 district of residence is ineligible to participate  
2 in varsity interscholastic athletic contests and  
3 athletic competitions during the pupil's first ninety  
4 school days of enrollment in the district except that  
5 the pupil may participate immediately in a varsity  
6 interscholastic sport if the pupil is entering grade  
7 nine for the first time and did not participate in  
8 an interscholastic athletic competition for another  
9 school or school district during the summer immediately  
10 following eighth grade, if the district of residence  
11 and the other school district jointly participate  
12 in the sport, if the sport in which the pupil wishes  
13 to participate is not offered in the district of  
14 residence, if the pupil chooses to use open enrollment  
15 to attend school in another school district because  
16 the district in which the student previously attended  
17 school was dissolved and merged with one or more  
18 contiguous school districts under section 256.11,  
19 subsection 12, if the pupil participates in open  
20 enrollment because the pupil's district of residence  
21 has entered into a whole grade sharing agreement with  
22 another district for the pupil's grade, or if the  
23 parent or guardian of the pupil participating in open  
24 enrollment is an active member of the armed forces and  
25 resides in permanent housing on government property  
26 provided by a branch of the armed services, or if the  
27 district of residence determines that the pupil was  
28 subject to a founded incident of harassment or bullying  
29 as defined in section 280.28 while attending school in  
30 the district of residence in the current or previous  
31 school year and both the district of residence and  
32 the other school district agree to allow the pupil to  
33 participate immediately in a varsity interscholastic  
34 sport. A pupil who has paid tuition and attended  
35 school, or has attended school pursuant to a mutual  
36 agreement between the two districts, in a district  
37 other than the pupil's district of residence for at  
38 least one school year is also eligible to participate  
39 immediately in interscholastic athletic contests and  
40 athletic competitions under this section, but only as  
41 a member of a team from the district that pupil had  
42 attended. For purposes of this subsection, "school  
43 days of enrollment" does not include enrollment in  
44 summer school. For purposes of this subsection,  
45 "varsity" means the same as defined in section 256.46.  
46 Sec. \_\_\_\_\_. SCHOOL CLIMATE AND BULLYING WORK GROUP.  
47 1. The department of education shall convene a  
48 public-private work group of representatives of state  
49 and local agencies, citizens, community groups, and  
50 organizations who have experience and expertise in

1 the areas of antibullying education, research, and  
2 training. The work group, after reviewing existing  
3 research, data, and strategies, shall provide  
4 recommendations to the department regarding best  
5 practices, training, resources, additional research  
6 needs, data collection, changes to state law and  
7 administrative rules, and any other matters to enhance  
8 statewide school climate improvement and bullying  
9 prevention, awareness, and intervention.

10 2. The membership of the work group shall include  
11 but not be limited to the following, to be appointed  
12 by the director:

13 a. At least three Iowans who are experts in  
14 research-based antibullying curricula or programs.

15 b. A public or nonpublic high school student.

16 c. A parent of a student enrolled in a public  
17 elementary or secondary school on a full-time basis.

18 d. A parent of a student enrolled in a nonpublic  
19 elementary or secondary school on a full-time basis.

20 e. A member from nominees submitted by the school  
21 administrators of Iowa.

22 f. A member from nominees submitted by the Iowa  
23 association of school boards.

24 g. A member from nominees submitted by the Iowa  
25 state education association.

26 h. Representatives from any organizations  
27 representing other relevant public or nonpublic school  
28 professionals.

29 i. A representative from a statewide organization  
30 that provides research-based training on bullying for  
31 school professionals.

32 j. A representative from at least one statewide  
33 organization with at least five years' experience  
34 in advocating on bullying prevention based on  
35 research-based best practices.

36 k. A representative for children placed in foster  
37 care.

38 l. A representative of school counselors.

39 m. A member from nominees submitted by the Iowa  
40 parent teacher association.

41 3. When making appointments to the work group, the  
42 director shall ensure that public, nonpublic, urban,  
43 and rural schools are adequately represented by the  
44 membership of the work group.

45 4. The work group shall also include two ex officio  
46 members of each house of the general assembly. One  
47 member each shall be selected by the majority leader of  
48 the senate and by the minority leader of the senate,  
49 and one member each shall be selected by the speaker  
50 of the house of representatives and by the minority

1 leader of the house of representatives. Members of the  
2 general assembly shall serve for terms as provided in  
3 section 69.16B and shall be entitled to receive per  
4 diem and necessary travel and actual expenses pursuant  
5 to section 2.10, subsection 5, while carrying out their  
6 official duties as members of the work group.  
7 5. The department shall convene the work group  
8 by October 1, 2015. The work group shall submit its  
9 findings and recommendations in a final report to the  
10 department and the chairpersons and ranking members of  
11 the senate and house education committees by December  
12 15, 2016.>

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HALL of Woodbury

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ABDUL-SAMAD of Polk

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BENNETT of Linn

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BROWN-POWERS of Black Hawk

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COHOON of Des Moines

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FINKENAUER of Dubuque

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FORBES of Polk

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GAINES of Polk

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GASKILL of Wapello

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HUNTER of Polk

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ISENHART of Dubuque

---

KELLEY of Jasper

---

LENSING of Johnson

---

LYKAM of Scott

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McCONKEY of Pottawattamie

---

OLDSON of Polk

---

RUFF of Clayton

---

SMITH of Marshall

---

STUTSMAN of Johnson

---

T. TAYLOR of Linn

---

THEDE of Scott

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WESSEL-KROESCHELL of Story

WINCKLER of Scott

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